



KENTUCKY REGISTRY OF ELECTION FINANCE

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NOTICE OF EMERGENCY AMENDMENT TO 32 KAR 2:130

All candidates, treasurers, and committee chairpersons should take time to understand how a recent emergency amendment to 32 KAR 2:130 impacts Kentucky campaign finance reporting requirements. On February 7, 2011, the Registry filed 32 KAR 2:130E to amend an existing administrative regulation on an emergency basis. The designation of this amendment as an emergency means this regulation became effective immediately upon its filing on February 7, 2011. Therefore, 32 KAR 2:130E currently applies to all candidates, slates of candidates, and committees under KRS Chapter 121.

The emergency amendment establishes the criteria under which candidates, slates of candidates, and committees may accept contributions in formats other than cash, including contributions made by credit or debit card. As clarified by the amendment, monetary contributions in any format exceeding \$50 - including by credit or debit card - must be accompanied by a paper or electronic record that clearly identifies both the payor and payee.

In addition, the emergency amendment establishes a uniform standard for the refund of a contribution in lieu of acceptance by a candidate, slate of candidates, or committee. Under this standard, a prohibited contribution received by a candidate, slate of candidates, or committee, shall not be considered "accepted" so long as the contribution is refunded by the campaign within thirty (30) days from the date of deposit in the campaign account.

With respect to the contribution refund standard, so long as a campaign quickly and expediently reviews its deposited contributions, does not obligate or otherwise spend funds based on the deposit, and effects any necessary refund within thirty (30) days from the date of deposit, the mere act of making the initial deposit of a prohibited contribution does not constitute acceptance of the contribution in violation of KRS 121.150. However, all contributions and refunds must still be reported on duly filed election finance statements.

This Notice supersedes any language to the contrary which may be found on the Registry's website or in printed materials regarding the acceptance of campaign contributions.

Please contact the Registry's General Counsel, Emily Dennis, at 502-573-2226 if you have questions regarding this Notice.

Dated: February 8, 2011